

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

EDWARD EARL THOMAS,

Plaintiff,

v.

Case Number 03-10256-BC
Honorable Thomas L. Ludington

EASTERN DISTRICT OF MICHIGAN,
CLERK'S OFFICE, Detroit, Michigan,

Defendant.

ORDER DENYING PLAINTIFF'S MOTION TO REOPEN THE CASE

On July 6, 2004, the Court dismissed Plaintiff Edward Thomas' case with prejudice. On November 16, 2004, the United States Court of Appeals for the Sixth Circuit dismissed his appeal. Since that date, he has filed at least eight additional motions, several of which sought to reopen the case.

On May 8, 2007, he filed his most recent request to reopen the case. The entirety of his motion is a single sentence requesting appointment of counsel "to see if [he] has [any legal rights . . . that need to be look[ed] at."

Litigants in civil cases do not have a constitutional right to counsel and is justified only in exceptional circumstances. *Lanier v. Bryant*, 332 F.3d 999, 1006 (6th Cir. 2003) (citations omitted). A court may request an attorney to represent an indigent individual, pursuant to 28 U.S.C. § 1915(e)(1). Yet that decision rests in the district court's discretion. *Lavado v. Keohane*, 992 F.2d 601, 604-605 (6th Cir. 1993) (citation omitted).

Here, notwithstanding Plaintiff's lack of training as an attorney, his generalized suggestion that he might have legal rights that warrant further investigation does not demonstrate the merit of

appointing counsel for him. Indeed, in light of the fact that his complaint was dismissed with prejudice over four years ago, the Court can identify no basis on which appointment of counsel would be warranted.

Accordingly, it is **ORDERED** that Plaintiff's motion to reopen the case [dkt #92] is **DENIED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: March 14, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 14, 2008.

s/Tracy A. Jacobs
TRACY A. JACOBS